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EXAMINER
SHAN, APRIL YING

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Response to Arguments

Applicant's arguments filed on 5/8/2008 have been respectfully and fully considered. Some of the arguments are persuasive and some are not.

Applicant's arguments are summarized as:

a.   Withdrawal of Double patenting objection to claims 5 and 21-23 due to cancelling claims 5 and 21-23

b.   Withdrawal of Specification objections due to amended claim 1

c.   Withdrawal of 35 U.S.C. 101 rejection due to amended claim 1

d.   Neither Notes 129 nor Senji nor Yamamoto discloses or suggest, which is not included in a preset list of programs that can be urn to control the image forming apparatus (Remark pages 10 - 12)

e.   One skill in the art would not have reason or been motivated to modify Notes 129 and Senji to arrive at the subject matter of claims 1, 11 and 19 (Remark pages 11-12)

f.   Dependent claims are allowable due to dependency

In response to argument 'a', the examiner withdraws the pending double patenting objection to claims 5 and 21-23 due to cancelling claims 5 and 21-23.

In response to argument 'b', the examiner withdraws the pending specification objection due to amended claim 1.

In response to argument 'c', the examiner withdraws the pending 101 rejection due to amended claim 1.

In response to argument 'd', the examiner respectfully traverses. It appears that the Applicant is not interpreting the previous office action as intended by the examiner. On pages 1-2,

Notes 129 discloses "Comparison of File Lists...**for the purpose of seeking falsification of a file** is a method that consists in comparing a file list compared in advance with the an existing file list. When # find / -xdev -ls is input by using "find,"...The method that consists in periodically preparing this list for each of the file systems and investigating a change in the list by the diff command...", which met the limitation of judging a program, which is not included in a preset list of programs that can be run to control the image forming apparatus among programs. Please note an existing file list corresponds to Applicant's preset list of programs and falsification of a hidden file corresponds to Applicant's a program, which is not include in a preset list of programs. The examiner also explained on pages 8-9 of the final action dated 21 February, 2008, the program stored in the file system of an apparatus (e.g., computer) can be used to control an image forming apparatus. The examiner's position is that Notes 129 does not expressly disclose the falsification of a file (i.e. illegal program) can be a computer virus infection. However, Seiji discloses illegal program resulting from a computer virus, ("...basic BIOS 7 is the program group which stored the basic motion of the computer, and is for controlling hardware 1" – e.g. par. [0010]) the image forming apparatus ("hardware 1...**a printer**" – e.g. par. [0009]) among programs whose running states have been confirmed, as an illegal program resulting from computer virus infection ("...If the inoculatin file 29 is performed as shown in drawing 10, a check program will start. And at the time, SUM of the former program 23 is calculated and the SUM value currently beforehand recorded as the calculated value is compared. And the former program 23 is started noting that is normal, when in agreement. On the other hand, subsequent execution is stopped nothing that the former program 23 is polluted by the virus, when not in agreement" - e.g. par. [0022]). In another word, the combined prior art references discloses or suggest, which is not included in a preset list of programs that can be urn to control the image forming apparatus among programs whose running states have been confirmed, as an illegal program resulting

from a computer virus infection. Furthermore, the Applicant is again respectfully reminded that One

cannot show nonobviousness by attacking references individually where the rejections are based on

combination of references. See In re Keller, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); In re Merck &

Co., 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

 In response to argument 'e', the examiner respectfully disagrees. The examiner would like

to invite the Applicant to read Note 7 on page 1 of Notes 129. It discloses, "...An illegal invader

possibly hides a files in the directory at the mount point of the file system". To a person with

ordinary skill in the art, it is well known that "an illegal invader" (i.e. a hacker) produces computer

virus to pollute computing system. Although Notes 129 does not expressly use the term "computer

virus infection", Seiji discloses an illegal program is a computer virus infection. Additionally,

combining Seiji's illegal program is a computer virus infection into Notes 129 would have yielded

nothing more than predictable results to one of ordinary skill in the art at the time of the invention

motivated by to prevent computer virus at an early stage (e.g. Seiji, par. [0029]).

 In response to argument 'f', the examiner respectfully traverses. Applicant's argument for

claims 1, 11 and 19 as discussed above are traversed and therefore, the Applicant's arguments for

dependent claims are based on dependency on claims 1, 11 and 19 are traversed and they are not

allowable.

 Thus, depending on the above facts, the examiner maintains the rejections to claims 1-4, 11-

14, 19 and 24-26.

 /April Y Shan/

 Examiner, Art Unit 2135   /KIMYEN VU/

               Supervisory Patent Examiner, Art Unit 2135